

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

ROWAN FOWLER, *et al.*,

Plaintiffs,

v.

KEVIN STITT, *et al.*,

Defendants.

Case No.: 22-CV-00115-GKF-SH

PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and LCvR36-1 of the Local Civil Rules of Procedure of the United States District Court for the Northern District of Oklahoma, effective January 26, 2021, Plaintiffs hereby serve the following Requests for Admissions (“Requests”) on Defendants for responses within thirty (30) days of the date that appears on the attached Certificate of Service. These Requests are continuing in nature as provided in Fed. R. Civ. P. 26(e) and should be answered in accord with the following Definitions and Instructions.

DEFINITIONS

1. “Defendant,” “Defendants,” and “You” refer to Defendants Kevin Stitt, in his official capacity as the Governor of the State of Oklahoma and in his capacity as the person who oversees Oklahoma State Department of Health, Keith Reed, in his official capacity as the Commissioner of Health for the Oklahoma State Department of Health, and Kelly Baker, in her official capacity as State Registrar of Vital Records, and in their official capacities as government officials for the State of Oklahoma, and these terms include all agents, employees, staff, officers,

directors, independent contractors, consultants, and third parties, including individuals and entities, over whom Defendants have direct or indirect control for each Defendant, the Oklahoma State Department of Health, and the Oklahoma Office of Vital Statistics, as well as any other person or entity acting for or on behalf of any of the Defendants.

2. “Birth Certificate Policy” and “Policy” means the following: each Defendant’s policy and practice of refusing to provide transgender people with birth certificates that match their gender identity, including the refusal to correct the gender markers on transgender people’s birth certificates to match their gender identity, and/or each Defendant’s refusal to provide a birth certificate matching a transgender person’s gender identity without the inclusion of revision history that discloses a person’s transgender status, such as a person’s sex assigned at birth and former name associated with that assigned sex.

3. “Listed sex” and “sex listed,” also known as a “gender marker,” means the identification field on an Oklahoma birth certificate that refers to the sex or gender of the birth certificate subject.

4. “Change” with respect to identification fields on birth certificates, includes correct, fix, amend, modify, rectify, and all other meanings that capture an alteration from the original marking that is made for any reason including mistake, administrative error, or changed circumstances.

5. “Transgender” people refer to individuals whose gender identity differs from the sex they were assigned at birth.

6. “Gender Identity” means a person’s core internal sense of their own gender. Every person has a gender identity, whether they are transgender or not.

7. "Present" shall have the broadest possible meaning to include not only the date any request is served but also the time when any party has an ongoing duty to supplement a response.

INSTRUCTIONS

1. These Requests are continuing in nature, up to and during the course of trial. This means that if, after the time of their initial responses, any Defendant learns that any response is or has become in some material respect incomplete or incorrect, Defendants must promptly supplement or amend their responses to the full extent required by Federal Rule of Civil Procedure 26(e) and the applicable local rules. Plaintiffs will object to any attempt to introduce evidence to the Court that should have been but was not disclosed in the responses or supplementation of the responses.

2. As to each Request, Defendant shall specifically admit or deny the statement contained therein. If denied, the denial must fairly meet the substance of the requested admission. If Defendant qualifies its answer or denies any part of the matter for which admission is requested, Defendant shall admit so much of the statement as is true and qualify or deny the remainder.

3. If Defendant objects that a term or phrase is vague or ambiguous, Defendant shall respond with their understanding of the term or phrase and specifically admit or deny the statement.

4. If Defendant objects to any part of a Request, Defendant shall specify each part of the Request to which Defendant objects; set forth with specificity the grounds for objecting to each such part of the Request, including the reasons; and otherwise respond to all parts of the Request to which Defendant does not object.

5. For purposes of interpreting or construing the scope of these Requests, all terms shall be given their most expansive and inclusive interpretation. This includes, without limitation, the following:

- a. Construing “and” as well as “or” in the disjunctive or conjunctive, as necessary to make the Request more inclusive;
- b. Construing the singular form of the word to include the plural, and the plural form to include the singular;
- c. Construing the masculine to include the feminine, and vice versa;
- d. Construing the term “including” to mean “including but not limited to” and construing the term “all” to mean “any and all,” and vice versa;
- e. Construing the term “each” to include “every,” and construing “every” to include “each”;
- f. Construing the use of a verb in any tense as the use of the verb in all other tenses;
- g. Construing and interpreting all spelling, syntax, grammar, abbreviations, idioms, and proper nouns to give proper meaning and consistency to their context.

6. Where any particular Request seeks information about a word or phrase that is contained in the Second Amended Complaint, or any later filed complaints, the Request is seeking information consistent with the meaning set forth in the operative complaint. If Defendants contend the meaning of a particular word or phrase is different than as set forth in the complaint, Defendants should include their intended meaning for the word or phrase.

REQUEST FOR ADMISSIONS

1. Admit that each Defendant enforces the Birth Certificate Policy.

2. Admit that the Oklahoma State Department of Health has enforced the Birth Certificate Policy through written communications to transgender people denying their request to change the sex listed on their birth certificate to match their male or female gender identity.

3. Admit that each Defendant enforces the Birth Certificate Policy regardless of whether a transgender individual has presented a court order directing that the individual's birth certificate be amended to match that individual's gender identity.

4. Admit that Defendants refuse to change the sex listed on Plaintiffs' birth certificates to conform to their gender identity.

5. Admit that Defendants refuse to change the sex listed on the birth certificates of transgender people born in Oklahoma to conform to their male or female gender identity.

6. Admit that, apart from any restriction on non-binary designations on Oklahoma birth certificates, Defendants have enforced Executive Order 2021-24 to prohibit transgender men and women from changing the sex listed on their Oklahoma birth certificates to match their male or female gender identity.

7. Admit that Governor Stitt has instructed the Oklahoma State Department of Health that it cannot change the sex listed on the birth certificates of transgender people to reflect their male or female gender identity.

8. Admit that the Oklahoma Department of Public Safety allows transgender people to change the sex listed on their driver's licenses to match their male or female gender identity.

9. Admit that a reason why Defendants provide individuals with copies of their own Oklahoma birth certificates is so that they can prove their identity.

10. Admit that Defendants do not prohibit Oklahoma residents who were born outside Oklahoma from using their birth certificates to prove their identity.

11. Admit that the Oklahoma State Department of Health stopped changing the sex listed on the Oklahoma birth certificates of transgender men and women to match their gender identity because of actions taken by Governor Stitt, including issuance of Executive Order 2021-24.

12. Admit that Executive Order 2021-24 was issued because of the Oklahoma State Department of Health's actions with respect to *Lorelied v. Frye*, 5:20-cv-00619 (W.D. Okla.).

13. Admit that the Oklahoma State Department of Health did not change the birth certificate of the plaintiff in *Lorelied v. Frye*, 5:20-cv-00619 (W.D. Okla.) to either male or female.

14. Admit that, before Executive Order 2021-24, the Oklahoma State Department of Health changed the listed sex on the birth certificates of transgender individuals born in Oklahoma.

Respectfully submitted,

/s/ Christina Paek

Christina S. Paek*
Peter C. Renn*
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
800 South Figueroa Street, Ste. 1260
Los Angeles, CA 90017
Telephone: (213) 382-7600
Fax: (213) 402-2537
prenn@lambdalegal.org
cpaek@lambdalegal.org

Karen Keith Wilkins, OBA# 21005
1515 S. Denver Ave.
Tulsa, OK 74119
Telephone: (918) 599-8118
Fax: (918) 599-8119
karen@wilkinslawtulsa.com

Shelly L. Skeen*
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
3500 Oak Lawn Ave, Ste. 500
Dallas, TX 75219
Telephone: (214) 219-8585
sskeen@lambdalegal.org

Attorneys for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that January 3, 2023, a true and exact copy of this Request for Admissions has been served by email pursuant to the agreement of the parties:

Zach West, OBA #30768
Solicitor General
Bryan Cleveland, OBA #33860
Deputy Solicitor General
Audrey A. Weaver, OBA #33258
Assistant Solicitor General
OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA
313 N.E. 21st Street
Oklahoma City, OK 73105
Phone: (405) 521-3921
Zach.West@oag.ok.gov
Bryan.Cleveland@oag.ok.gov
Audrey.Weaver@oag.ok.gov

/s/ Christina Paek
Christina S. Paek
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
800 South Figueroa Street, Suite 1260
Los Angeles, CA 90017
Telephone: (213) 382-7600
Fax: (213) 402-2537
cpaek@lambdalegal.org